



**TOWN OF FORT MILL
PLANNING COMMISSION SPECIAL CALLED MEETING
November 8, 2016
112 Confederate Street
7:00 PM**

AGENDA

CALL TO ORDER

APPROVAL OF MINUTES

1. Regular Meeting: October 18, 2016 *[Pages 3–7]*

OLD BUSINESS ITEMS

1. **Town-Wide Zoning Map Update** *[Pages 8–19]*

An ordinance adopting a new Zoning Map for the Town of Fort Mill

NEW BUSINESS ITEMS

1. **Final Plat: Massey Phase 2, Map 2 (Revision), Map 3 & Map 4** *[Pages 20–29]*

Request from Yarbrough-Williams & Houle, submitted on behalf of Jen North Carolina 6, LLC, to review and approve a final plat (bonded) for Massey Phase 2, Map 2 (revision), Map 3 and Map 4

2. **MXU Concept Plan & Dev. Conditions: Fort Mill Reserve Property** *[Pages 30–51]*

An ordinance adopting a Mixed Use Concept Plan & Development Conditions for the Fort Mill Reserve MXU Project, consisting of parcels currently or formerly known as York County Tax Map Numbers 020-13-01-071, 020-13-01-072, and 020-13-01-073, such parcels containing approximately 52.35 +/- acres located on Fort Mill Parkway

ITEMS FOR INFORMATION / DISCUSSION

1. **Commercial Appearance Review Update: Comfort Inn & Suites**

2. Commercial Appearance Review Update: SC 160 Commercial Building (Kuester)
3. Request to cancel the next regular meeting on Tue. November 15, 2016 @ 7:00 PM
4. Special Called Meeting Request

ADJOURN

**MINUTES
TOWN OF FORT MILL
PLANNING COMMISSION MEETING
October 18, 2016
112 Confederate Street
7:00 PM**

Present: James Traynor, Hynek Lettang, Ben Hudgins, Chris Wolfe, Tom Petty, Planning Director Joe Cronin, Assistant Planner Chris Pettit

Absent: Tom Adams, Jay McMullen

Guests: Larry Huntley (Town Council), Constantine Vrettos (One on One Design), Scott Wells (Diversified Enterprises Inc.), Ted Harris (R. Joe Harris & Associates), Jon Hattaway (Cumming/FMSD), Joe Romenick (Fort Mill School District), Richard Jackson (JCS Architects/FMSD), Dan Ballou (Morton & Gettys), Talia Seamon (Winthrop), Cali Bowen-Bibb (Winthrop), Margaret Mendenhall (Winthrop), Jan Bryan (Overcash Demmitt Architects)

Chairman Traynor called the meeting to order at 7:00 pm.

Mr. Hudgins made a motion to approve the minutes from the September 20, 2016, meeting, with a second by Mr. Lettang. The minutes were approved by a vote of 5-0.

Planning Director Cronin stated that he had heard from Mr. Adams and Mr. McMullen in advance of the meeting. Both members had a conflict, and would be unable to attend the meeting.

OLD BUSINESS ITEMS

1. **Site Plan Review: Fort Mill High School #3:** Assistant Planner Pettit provided a brief overview of the request, the purpose of which was to review and approve the landscape, lighting, sidewalk and signage plan for High School #3 on Fort Mill Parkway. Assistant Planner Pettit noted that a variance was approved by the Board of Zoning Appeals on October 17, 2016, for the athletic field lighting. He added that the plan did not include sidewalk stub outs to neighboring property lines, pedestrian lighting, or distinguishing features for crosswalks, as required by the Corridor Overlay District. A discussion then took place.

Chairman Traynor asked about the streetscape buffer on Fort Mill Parkway. Assistant Planner Pettit noted that the buffer was generally consistent with the requirements of the COD. Planning Director Cronin added that the town's water line easement restricted the type and location of street trees along the Fort Mill Parkway frontage.

Mr. Wolfe stated that sidewalks should be extended across the entire property and stubbed out to neighboring properties, as required by the ordinance. Jon Hattaway of the Cumming Corp. spoke on behalf of the school district. He noted that the school district owned the property to the west of the high school site and would commit to extending the sidewalk

when a future school was constructed on that site. Mr. Wolfe reiterated that the sidewalk should be stubbed out to the property line, and extended when a future school is built in that location.

Mr. Hudgins inquired as to how many significant trees would be preserved, as they were not located on the landscape plan. Richard Jackson of JCS Architects responded that most of the trees would remain within the 45' stream buffer. Assistant Planner Pettit noted that some significant trees would be removed and replanted, as allowed by the town's tree ordinance.

Mr. Petty asked what percent of the site would be denuded to accommodate construction. Mr. Jackson responded that approximately 80%-85% of the site would be cleared and graded, with the remaining areas being left in place to meet stream and perimeter buffer requirements.

Chairman Traynor stated that if the COD requires pedestrian lighting, then it should be included on the site plan.

Mr. Hudgins asked whether the sign would be an LED sign, similar to Fort Mill and Nation Ford High Schools. Assistant Planner Pettit responded that LED signs are not permitted in the COD. Planning Director Cronin added that LED signs are expressly prohibited in the COD, and any changes to this requirement would need to be made by town council.

Mr. Wolfe made a motion to authorize staff to approve the landscape, buffer and signage plans. The pedestrian plans should be revised to include pedestrian lighting, sidewalk stubouts, and distinguishing crosswalks, as required by the COD, with the revised plans to be submitted to the Planning Commission for review and approval. Mr. Petty seconded the motion. The motion was approved by a vote of 5-0.

2. **Commercial Appearance Review: Comfort Inn & Suites:** Assistant Planner Pettit provided a brief overview of the request, the purpose of which was to review and approve a revised plan for a proposed hotel at the Sutton Road and I-77 interchange. Assistant Planner Pettit noted that the Planning Commission had previously approved designs for a proposed Sleep Inn at this location. The project has since been changed to a Comfort Inn and Suites. He added that while the site plan was generally consistent with the plan which was formerly approved, the design of the four-story building has since changed. A discussion then took place regarding the building design and materials.

Mr. Hudgins made a motion to defer consideration of the request so as to allow further refinement of the plans. Mr. Petty seconded the motion. The motion was approved by a vote of 5-0.

3. **Commercial Appearance Review: SC 160 Commercial Building:** Assistant Planner Pettit provided a brief overview of the request, the purpose of which was to review a modified design for a proposed multi-tenant commercial building at 1474 Highway 160 E. Assistant Planner Pettit noted that the commission had previously approved the building design, with conditions; however, the applicant has since modified the design to show changes to building

materials, colors, removing the building wrap along the first quarter of the rear of the building, removing decorating cornices, revising the storefront windows, and adding roll up doors at one end of the building. A discussion then took place.

Mr. Hudgins stated that other recently approved buildings, such as QuikTrip and A Lock-It Self Storage, included decorative elements, such as cornices and lighting, and he felt that the modified design was no longer consistent. Mr. Wolfe agreed, adding that the building was inconsistent with other commercial buildings on the 160 corridor.

Mr. Petty asked about the proposed building materials. Jan Bryan of Overcash Demmitt Architects spoke on behalf of the applicant. He stated that an architectural CMU was being proposed in place of the stamped EIFS, due to cost considerations. Mr. Petty responded that a brick veneer could be installed for less than CMU. Chairman Traynor stated that a brick veneer would be preferable to CMU, and aesthetically, would be more consistent with the original design.

Mr. Wolfe and Mr. Lettang stated that they were opposed to having roll-up doors which would be visible from the right-of-way.

Mr. Hudgins made a motion to deny the building revisions. Mr. Lettang seconded the motion.

Mr. Wolfe made a substitute motion to deny the revisions as submitted, and to authorize staff to approve a building permit based on the previously approved design (with associated conditions). The applicant would have the option to replace the stamped EIFS with brick veneer; however, no other modifications were approved. Mr. Lettang seconded the substitute motion. The substitute motion was approved by a vote of 5-0.

NEW BUSINESS ITEMS

1. **Final Plat: Pecan Ridge Phase 2, Map 1:** Planning Director Cronin provided a brief overview of the request, the purpose of which was to review and approve a final plat for Pecan Ridge Phase 2, Map 1, containing 58 lots on Whites Road. The plat included three new road names: Pecan Ridge Road, Shoshoni Court and Praline Way (formerly Mahan Way). All road names had been reviewed and approved by the York County Addressing Office. Staff recommended in favor of approving the plat, contingent upon the applicant providing a bond or letter of credit equal to 125% of the cost of any unfinished infrastructure.

Mr. Petty made a motion to approve the plat, contingent upon the applicant providing the required bond or letter of credit. Mr. Hudgins seconded the motion. The motion was approved by a vote of 5-0.

2. **Annexation Request: 952 Tom Hall Street:** Planning Director Cronin provided a brief overview of the request, the purpose of which was to review and provide a recommendation for the proposed annexation of York County Tax Map Number 736-00-00-019, containing approximately 0.28 +/- acres at 952 Tom Hall Street. Planning Director Cronin noted that while the requested zoning designation of HC Highway Commercial was consistent with the

recommendations of the comprehensive plan, staff had two concerns: 1) The property does not currently front the public right-of-way on Tom Hall Street; and 2) At its widest, the property is only 70 feet in width, which will make it difficult to develop once the new UDO is adopted, and buffers are applied along neighboring residential properties. He also added that the property will not be contiguous to the town limits until the annexation ordinance for the neighboring CMHA site becomes effective. For these reasons, staff recommended against the annexation request with HC zoning.

Mr. Wolfe made a motion to recommend in favor of denying the annexation request. Mr. Hudgins seconded the motion. The motion for denial was approved by a vote of 5-0.

3. **Town-Wide Zoning Map Update:** Planning Director Cronin provided a brief overview of the request, the purpose of which was to review and provide a recommendation on a new zoning map for the Town of Fort Mill. Planning Director Cronin stated that the new UDO will contain several changes, including the addition, deletion, and consolidation of several zoning districts. To implement these changes, the town will need to update its official zoning map. As part of the town-wide rezoning process, staff sought to minimize the impact to existing property owners, as well as to active development projects. In addition, staff looked for locations where the current zoning map was inconsistent with the future land use map contained in the comprehensive plan. Planning Director Cronin summarized the zoning district transition plan, and then highlighted several of the areas which were proposed for rezoning.

Dan Ballou, an attorney from Morton & Gettys, asked if he could address the commission. Mr. Ballou stated that he represented a client whose property is proposed to be rezoned from commercial to residential. He asked members of the commission to consider financial implications for this, as well as similarly situated properties.

Members of the Planning Commission expressed a desire to spend more time evaluating the proposed zoning map. Mr. Wolfe made a motion to defer consideration of this item. Mr. Petty seconded the motion. The motion was approved by a vote of 5-0.

ITEMS FOR INFORMATION / DISCUSSION

1. **Special Called Meeting Request:** Planning Director Cronin stated that there are a couple items that will be coming in prior to adoption of the new UDO. Staff will be requesting a special called meeting, which will take place before the November 14th town council meeting. Staff will send out a Doodle poll to determine the best date and time for the meeting.
2. **New Planning Department Hire:** Planning Director Cronin notified members of the Planning Commission that the town has hired an additional Assistant Planner, who is scheduled to start on October 31st. The new Assistant Planner will be responsible for the upcoming comprehensive plan update, subdivision plat reviews, as well as historic preservation efforts. She will be formally introduced at the next Planning Commission meeting.

There being no further business, the meeting was adjourned at 9:12 pm.

Respectfully submitted,

Joe Cronin
Planning Director

Fort Mill Town Council



Meeting Information

Meeting Type	Planning Commission
Meeting Date	November 8, 2016

Request Summary

Request Type	X	Action (Old Bus.)		Action (New Bus.)		Info/Discussion
		Public Hearing		Executive Session		Other

Case Summary

Case Type		Annexation	X	Rezoning		Text Amendment
		Subdivision Plat		Appearance Review		Other

Property Information

Applicant	N/A – Initiated by Town Staff
Property Owner	This request will apply to all property owners in the Town of Fort Mill
Property Location	This request will apply to all property locations in the Town of Fort Mill
Tax Map Number	This request will apply to all tax map numbers in the Town of Fort Mill
Acreage	N/A
Current Zoning	Various (See Current Zoning Map)
Proposed Zoning	Various (See Proposed Zoning Map)
Existing Use	Various

Title

An ordinance adopting a new Zoning Map for the Town of Fort Mill

Background Information

Site Characteristics

The new zoning map is being proposed as a companion ordinance to the new Unified Development Ordinance (UDO), which is currently pending review and approval by Town Council. Upon adoption, the proposed zoning map will be applied to all parcels on a town-wide basis.

Zoning Summary

The purpose of the new zoning map is to implement the zoning changes contained within the draft UDO. The UDO will create several new zoning

districts, including ROS Recreation & Open Space, NMU Neighborhood Mixed Use, and TOMU Transit Oriented Mixed Use. Some existing districts, including R-12, R-10, R-5, RT-4, RT-12, GR/GR-A, MHP, GI, PND, PCD, RC and THCD will either be transitioned to a new designation, or eliminated entirely. For a full list of recommended zoning district transitions, please see the attached summary.

In addition, the proposed zoning map has identified several parcels where the existing zoning is inconsistent with the comprehensive plan. Some of these areas are existing residential neighborhoods, such as the Mill Village and Paradise, where R-10 and R-15 zoning designations are out of character with existing development types and densities. (These areas are recommended to be rezoned to R-7.) In other instances, parcels have been recommended for rezoning from commercial to residential use (or vice versa) to ensure consistency with the comprehensive plan. ***The overwhelming majority of property owners will see little to no impact as a result of the town-wide rezoning.***

Comprehensive Plan

In preparing the draft zoning map, it was staff's intent for the map to reflect (as closely as possible) the recommendations contained within the Future Land Use Map. A copy of the future land use map is included as an attachment to this staff write up.

Discussion

Should council elect to move forward with adoption of the new UDO, a new zoning map will be required to implement the zoning changes contained within the UDO. As mentioned above, while some property owners will be affected by these changes, the new zoning map was prepared with the intent of implementing the recommendations of the comprehensive plan, as well as minimizing, to the greatest extent feasible, the impact to existing property owners, as well as to active, approved and planned development projects.

Prior to adoption by town council, staff intends to hold a community open house for residents and business owners to learn more about the new map, as well as the UDO. At least two public hearings will also be scheduled.

Alternatives	
1.	Recommend approval of the new zoning map, as submitted.
2.	Recommend approval of the new zoning map, with modifications.

Staff Recommendation	
Recommendation	Staff recommends in favor of APPROVAL of the draft zoning map, as submitted.
Name & Title	Joe Cronin, Planning Director
Department	Planning Department

Date of Request	October 14, 2016
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Legislative History	
Planning Commission	10/18/2016: PC voted to defer consideration. (5-0) 11/08/2016: Scheduled for review.
First Reading	12/12/2016: Scheduled for first reading consideration. (Tentative)
Public Hearing	12/12/2016: Scheduled for public hearing #1. (Tentative)
Second Reading	TBD
Effective Date	January 1, 2017: Recommended Effective Date. (Included in ordinance)

Attachments

- Comprehensive Plan Map (Updated May 2016)
- Current Projects Map (Updated October 1, 2016)
- Zoning Map Transition Summary
- Draft Ordinance Adopting a New Zoning Map
- Proposed Zoning Map

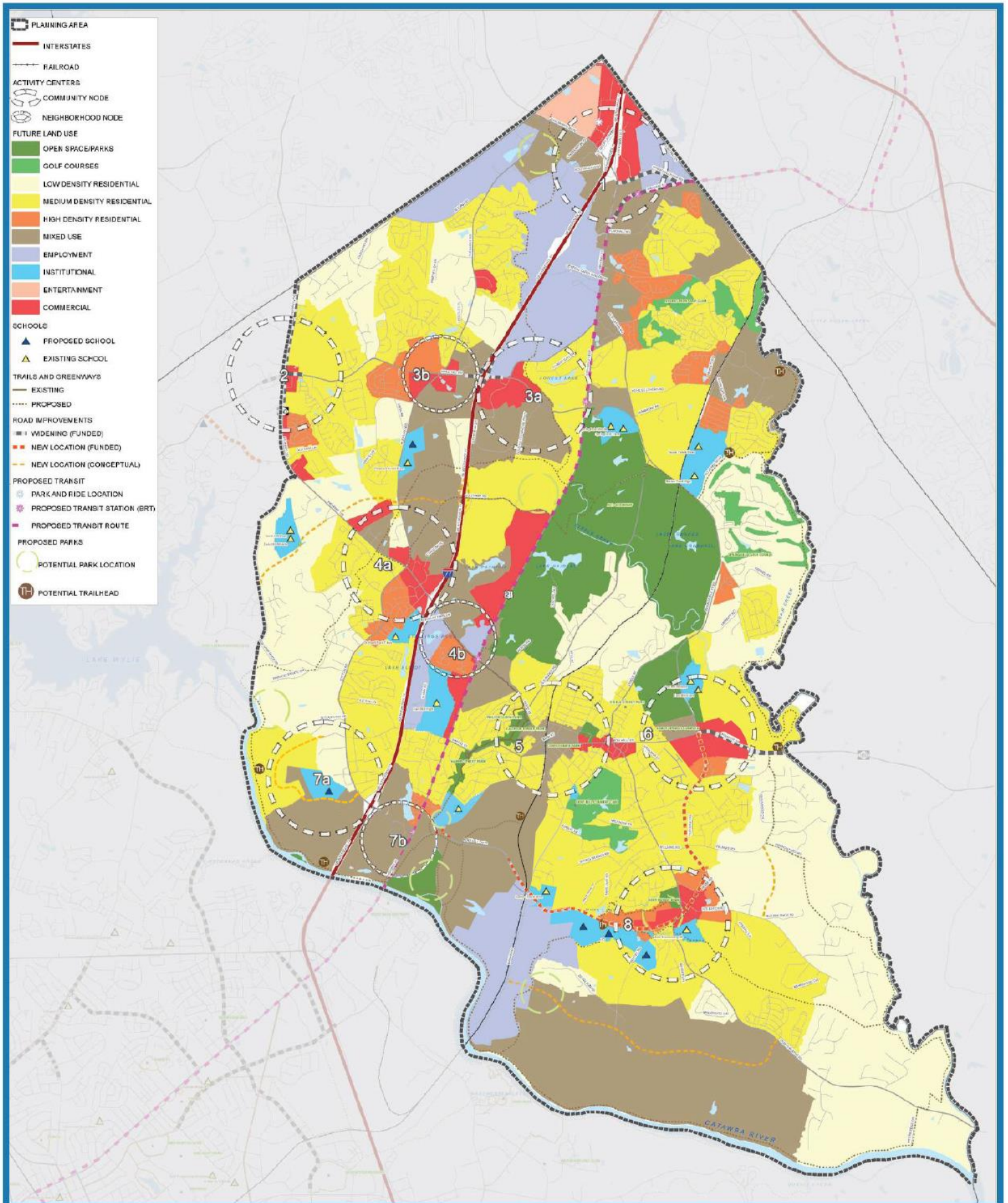
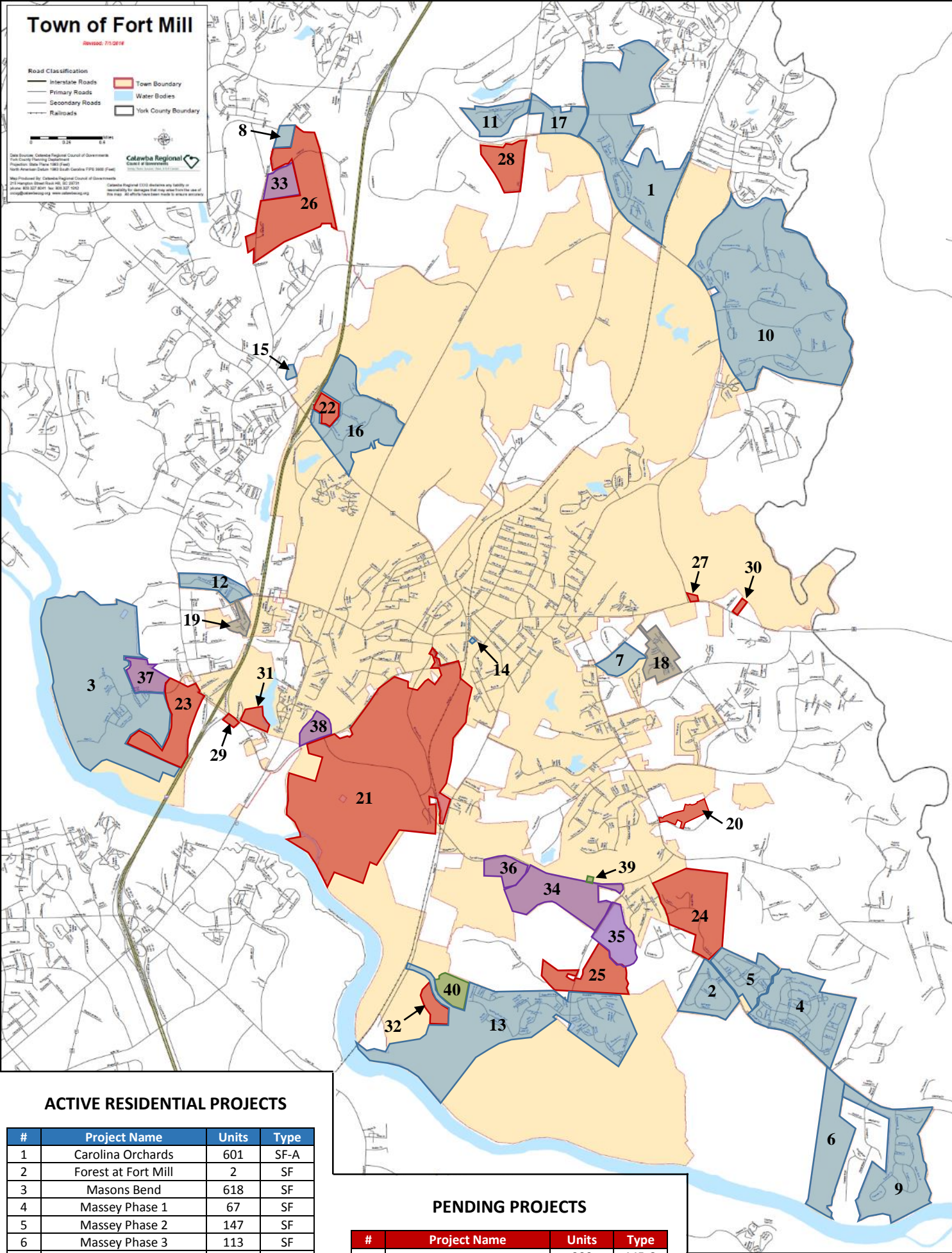


Figure 2.1 - Comprehensive Plan Map



ACTIVE RESIDENTIAL PROJECTS

#	Project Name	Units	Type
1	Carolina Orchards	601	SF-A
2	Forest at Fort Mill	2	SF
3	Masons Bend	618	SF
4	Massey Phase 1	67	SF
5	Massey Phase 2	147	SF
6	Massey Phase 3	113	SF
7	Oakland Pointe	100	SF
8	Pleasant/Vista Legacy II	98	MF
9	Preserve at River Chase	33	SF
10	Springfield	17	SF
11	Springview Meadows	20	SF
12	Sutton Mill	25	SF
13	Waterside at the Catawba	511	SF

ACTIVE COMMERCIAL PROJECTS

#	Project Name	Remaining
14	Academy Street Shell Bldg	3,496 ft²
15	Holiday Inn Express	50,360 ft²
16	Kingsley	686,140 ft²
17	Springfield Town Center	197,830 ft²

INACTIVE RESIDENTIAL PROJECTS

#	Project Name	Units	Type
18	Kimbrell Crossing	27	SF
19	Well Ridge	19	SF

PENDING PROJECTS

#	Project Name	Units	Type
20	Haire Village	200	MF-C
		Up to 36,000 ft²	
21	Kanawha Farms	1,575	SF
		1,075	MF
		Up to 1.5M ft²	
22	Kingsley Village	238	MF
23	Masons Bend	342	MF
		Up to 600,000 ft²	
24	Massey Phase 4	305	SF
25	Pecan Ridge	192	SF
		123	SF
		146	TH
26	Pleasant/Vista MXU	564	MF
		Up to 50,000 ft²	
27	QuikTrip	5,838 ft²	
28	Rutledge MXU	235	TH
		Up to 175,000 ft²	
29	Comfort Inn & Suites	41,681 ft²	
30	SC 160 Comm. Building	18,979 ft²	
31	Traditions at Fort Mill	252	MF-A
		5,000 ft²	
32	Waterside at the Catawba	118	TH

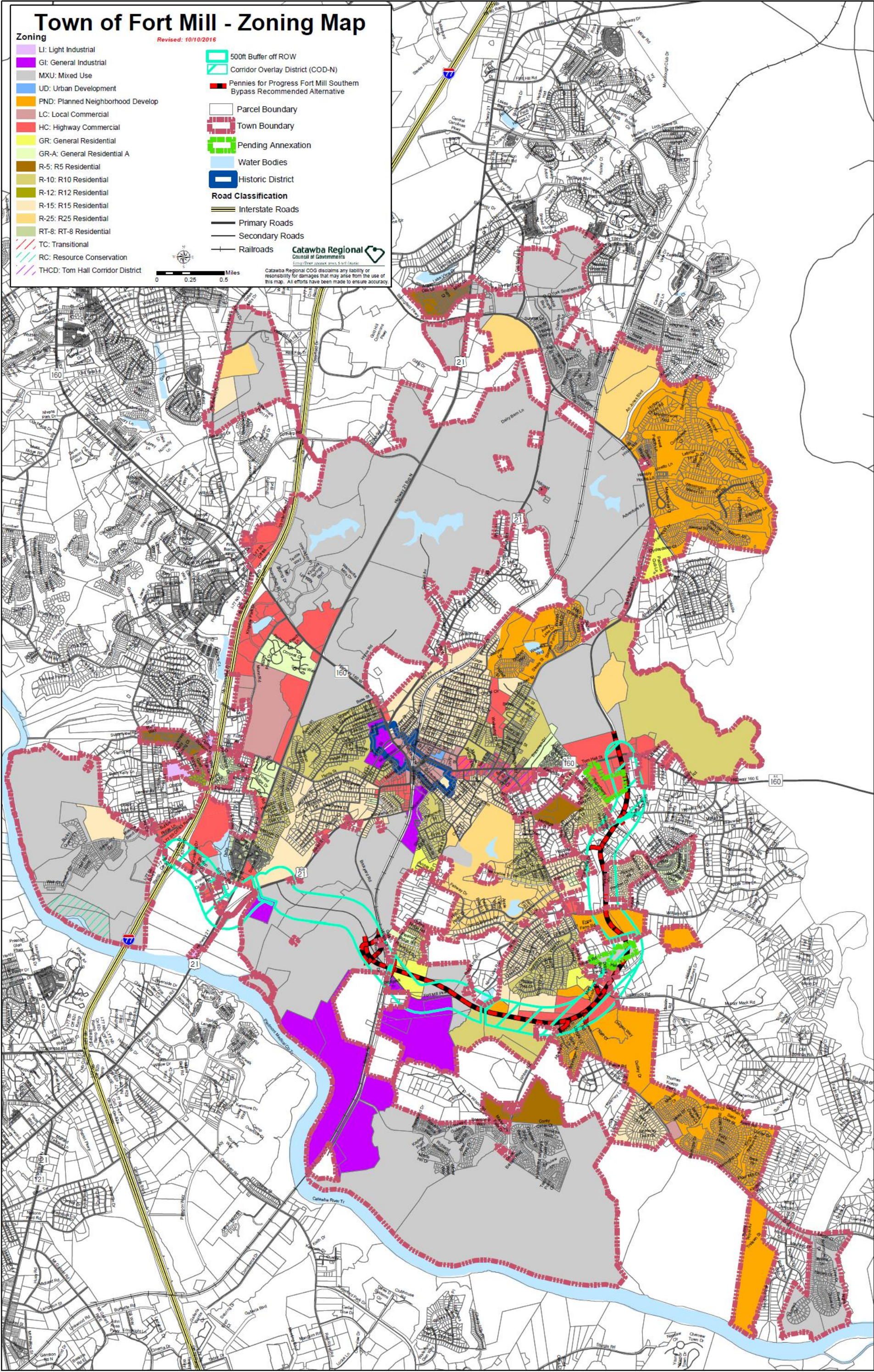
PENDING SCHOOL PROJECTS

#	Project Name
33	Pleasant Knoll Middle School
34	Future High School
35	Future School (TBD)
36	Future School (TBD)
37	Future School (TBD)
38	Future Athletic Fields

PENDING TOWN PROJECTS

#	Project Name
39	Fire Station #2
40	Waterside Park





Unified Development Ordinance (UDO)

Zoning Map Update

CURRENT			PROPOSED	
RESIDENTIAL DISTRICTS				
R-25	R-25 Residential	→	R-25	R-25 Residential
R-15	R-15 Residential	→	R-15	R-15 Residential
R-12	R-12 Residential			
R-10	R-10 Residential			
R-5	R-5 Residential	→	R-7	R-7 Residential
RT-4	RT-4 Residential	→	RT-8	RT-8 Residential
RT-8	RT-8 Residential			
RT-12	RT-12 Residential			
GR GR-A	General Residential General Residential	→	RM-15	RM-15 Residential
MHP	Mobile Home Park	X	----	ELIMINATED DISTRICT
COMMERCIAL & INSTITUTIONAL DISTRICTS				
HC	Highway Commercial	→	GC	General Commercial
LC UD	Local Commercial Urban Development	→	DC	Downtown Core
----	NEW DISTRICT	→	LC	Local Commercial ¹
----	NEW DISTRICT	→	ROS	Recreation & Open Space ²
TC	Transitional Commercial	X	----	ELIMINATED DISTRICT
INDUSTRIAL DISTRICTS				
GI LI	General Industrial Limited Industrial	→	LI	Light Industrial
MIXED USE & PLANNED DEVELOPMENT DISTRICTS				
MXU	Mixed Use	→	CMU	Community Mixed Use
----	NEW DISTRICT	→	NMU	Neighborhood Mixed Use
----	NEW DISTRICT	→	TOMU	Transit Oriented Mixed Use
PCD	Planned Cluster Development	X	----	ELIMINATED DISTRICT
PND	Planned Neighborhood Dev.	X	----	ELIMINATED DISTRICT ³
SHPD	Scenic Highway Planned Dev.	X	----	ELIMINATED DISTRICT
OVERLAY DISTRICTS				
COD	Corridor Overlay	→	COD	Corridor Overlay
COD-N	Corridor Overlay - Node	→	COD-N	Corridor Overlay - Node
HPD	Historic Preservation	→	HPOD	Historic Preservation Overlay
MID	Municipal Improvement District	X	----	ELIMINATED DISTRICT
RC	Resource Conservation Overlay	X	----	ELIMINATED DISTRICT
THCD	Tom Hall Street Corridor Overlay	X	----	ELIMINATED DISTRICT ¹

¹ Areas zoned Highway Commercial (HC) within the Tom Hall Corridor Overlay District (THCD) to be re-zoned Local Commercial (LC).

² The Recreation & Open Space District (ROS) will apply to the ASC Greenway, as well as all parks, recreation facilities and golf courses.

³ Areas zoned Planned Neighborhood Development (PND) to be re-zoned to R-15 Residential (R-15).

STATE OF SOUTH CAROLINA
TOWN COUNCIL FOR THE TOWN OF FORT MILL
ORDINANCE NO. 2016-__

AN ORDINANCE ADOPTING A NEW ZONING MAP FOR THE TOWN OF FORT MILL

WHEREAS, pursuant to Section 6-29-710, et. seq., of the S.C. Code of Laws, the Fort Mill Town Council is authorized to adopt a zoning ordinance for the general purposes of guiding development in accordance with existing and future needs, and promoting the public health, safety, morals, convenience, order, appearance, prosperity, and general welfare; and

WHEREAS, on _____, 2016, the Town Council for the Town of Fort Mill adopted Ordinance No. 2016-__, entitled "An Ordinance Adopting a Unified Development Ordinance for the Town of Fort Mill;" and

WHEREAS, the Town of Fort Mill Unified Development Ordinance contained substantive changes to the town's zoning districts, including the creation of new zoning districts, the modification of existing zoning districts, and the elimination of certain zoning districts; and

WHEREAS, a new Zoning Map for the Town of Fort Mill was prepared by the Fort Mill Planning Commission pursuant to S.C. Code § 6-29-340(2)(a), which map was recommended for adoption by the Planning Commission during its regularly scheduled meeting on October 18, 2016; and

WHEREAS, public hearings on the new Zoning Map for the Town of Fort Mill were advertised and conducted on _____, 2016, and _____, 2016, pursuant to S.C. Code § 6-29-760(A), with public comment duly noted; and

WHEREAS, the Town Council for the Town of Fort Mill has determined that the new Zoning Map for the Town of Fort Mill, which is attached hereto as Exhibit A, is consistent with the Comprehensive Plan for the Town of Fort Mill, which was adopted on March 10, 2008 (Ordinance No. 2008-03), and subsequently amended on January 14, 2013 (Ordinance No. 2013-01), August 24, 2015 (Ordinance No. 2015-14), February 8, 2016 (Ordinance No. 2016-01) and May 23, 2016 (Ordinance No. 2016-13); and

WHEREAS, it is fitting and proper to amend the official Zoning Map for the Town of Fort Mill so as to implement the recommendations of the Comprehensive Plan for the Town of Fort Mill and the Unified Development Ordinance for the Town of Fort Mill;

NOW, THEREFORE, pursuant to the authority granted by the Constitution of the State of South Carolina and the General Assembly of the State of South Carolina, **BE IT ORDAINED BY THE TOWN COUNCIL FOR THE TOWN OF FORT MILL:**

Section I. The new Zoning Map for the Town of Fort Mill, attached hereto as Exhibit A, is hereby adopted. This map shall constitute the official Zoning Map for the Town of Fort Mill, and may, from time to time, be amended by the Town Council for the Town of Fort Mill, pursuant to, and as

authorized by, state statute. A copy of the official Zoning Map for the Town of Fort Mill shall be maintained on file in the Office of the Zoning Administrator.

Section II. Invocation of Pending Ordinance Doctrine. The pending ordinance doctrine, as defined and applied by the South Carolina Supreme Court in the case of *Sherman vs. Reavis* 273 S.C. 542, 257 S.E. 2d 735, and as adopted and applied by the state courts in other decisions, is hereby adopted and declared to be in full force and effect following first reading approval of this ordinance.

Section III. Severability. If any section, subsection, or clause of this Ordinance shall be deemed to be unconstitutional, or otherwise invalid, the validity of the remaining sections, subsections, and clauses shall not be affected thereby.

Section IV. Conflicting Ordinances Repealed. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

Section V. Effective Date. This ordinance shall be effective from and after January 1, 2017

SIGNED AND SEALED this ____ day of _____, 2016, having been duly adopted by the Town Council for the Town of Fort Mill on the ____ day of _____, 2016.

First Reading:
Public Hearing #1:
Public Hearing #2:
Second Reading:

TOWN OF FORT MILL

Gwynn H. Savage, Mayor

LEGAL REVIEW

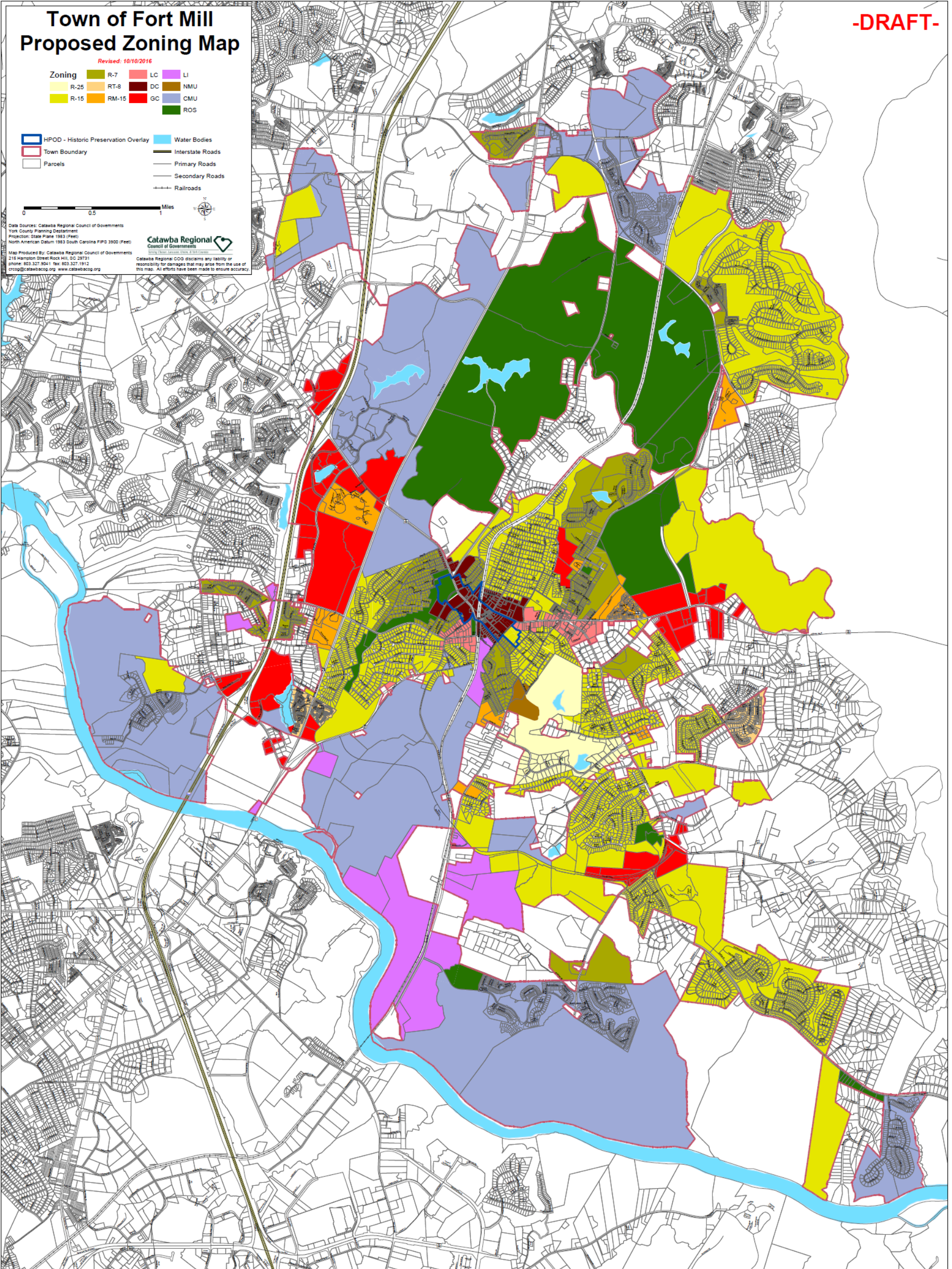
ATTEST

Barron B. Mack, Jr, Town Attorney

Virginia C. Burgess, Town Clerk

Exhibit A

Town of Fort Mill Zoning Map



Fort Mill Town Council



Meeting Information

Meeting Type	Planning Commission
Meeting Date	November 8, 2016

Request Summary

Request Type	Action (Old Bus.)	X	Action (New Bus.)	Info/Discussion
	Public Hearing		Executive Session	Other

Case Summary

Case Type	Annexation		Rezoning	Text Amendment
	X Subdivision Plat		Appearance Review	Other

Property Information

Applicant	Yarbrough-Williams & Houle, Inc.
Property Owner	Jen North Carolina 6 LLC
Property Location	Massey Phase 2, Map 2 (Revision) and Map 3 Massey Phase 2, Map 4
Tax Map Number	020-12-01-272 (Portion) & 020-12-01-272 (Portion)
Acreage	16.589 +/- acres & 25.026 +/- acres
Current Zoning	PND Residential
Proposed Zoning	N/A
Existing Use	Pending Residential Subdivision – 5 Lots (Total Permitted – 1,008) Pending Residential Subdivision – 42 Lots (Total Permitted – 1,008)

Title

Request from Yarbrough-Williams & Houle, submitted on behalf of Jen North Carolina 6, LLC, to review and approve a final plat (bonded) for Massey Phase 2, Map 2 (revision), Map 3 and Map 4

Background Information

Site Characteristics

Phase 2, Map 2 (revised), Map 3 and Map 4, of the Massey subdivision will include 47 single-family lots on 41.615 +/- acres on the northern side of Doby's Bridge, between Oxford Place subdivision and Doby's Bridge Elementary School. The approved preliminary plat for the entire project

allows 1,008 lots on 465+/- acres (2.167 units per acre). All wetlands buffers and utility easements are shown on the final plat (see attached).

Neighboring Uses

Direction	Zoning	Existing Use
North	RC-I	Vacant (County)
South	R-15 LC	Forest at Fort Mill Subdivision Doby's Bridge Presbyterian Church
East	RUD-I	Oxford Place Subdivision (County)
West	PND	Vacant

Zoning Summary

The property is currently zoned PND. The PND district contains the following requirements:

- Min. Lot Area: None
- Min. Lot Width: 60 feet
- Front Setback: 10 feet
- Side Setback: 5 feet (10 feet for corner lots)
- Rear Setback: 15 feet
- Max. Height: 50 feet
- Min. Open Space: 35%
- Buffer Requirement: Varies – as indicated on Conceptual Site Plan
- Sidewalk Requirement: At least on one sides of all streets

Project History

The Massey property was annexed into the town limits on September 19, 2005, with a zoning designation of PND Planned Neighborhood Development. (Ordinance No. 2005-12) A master PND Development Plan was approved for the Massey project on February 13, 2006. (Ordinance No. 2006-02) The Massey PND allows a total of up to 1,008 single-family residential units on 465 +/- acres.

A preliminary plat for Massey Phase 2 was approved by the Planning Commission on September 24, 2013. A minor revision to the preliminary plat was reviewed and approved by town staff in July 2015. The preliminary plat allows a total of 161 single-family residential lots.

Plat Details

The final plat for Massey Phase 2, Map 2 (Revision) and Map 3, contains a total of 5 lots on 15.589 +/- acres. These 5 lots will be located on the western side of Felts Parkway, just north of the intersection with Kings Bottom Drive. Common Open Space (COS) of 12.129 acres is also included within the map area.

The final plat for Map 2 (Revision) and Map 3 includes one existing road name:

- Felts Parkway

The final plat for Massey Phase 2, Map 4, contains a total of 42 lots on 25.026 +/- acres. These 42 lots will be located on the north side of Doby's Bridge Road across from the Forest at Fort Mill subdivision. Common Open Space (COS) of 5.616 acres is also included within the map area.

The final plat for Phase 4 will includes five road names, three of which have been previously approved, and two of which are new:

- Thomas Knapp Parkway
- Blakney Point Way
- Dudley Drive
- Kaja Court (New)
- Liam Drive (New)

Kaja Court and Liam Drive were not included in the previously approved preliminary plat. The York County E-911/Addressing Office has reviewed and approved these names for use within Massey Phase 2.

Large copies of the final plat will be available for review during the meeting.

Discussion

The final plats submitted by the applicant are consistent with the zoning ordinance, as well as the development conditions for the Massey Project. The proposed plats are also consistent with the preliminary plat, which was approved by the Planning Commission in September 2013, and revised in July 2015.

Because the applicant has not completed all required infrastructure, approval shall be contingent upon the applicant providing a bond or letter of credit equal to 125% of the cost of any unfinished infrastructure.

Alternatives	
1.	Approve the final plats as submitted, contingent upon the applicant providing a bond or letter of credit equal to 125% of the cost of any unfinished infrastructure.
2.	Approve the final plats with modifications, contingent upon the applicant providing a bond or letter of credit equal to 125% of the cost of any unfinished infrastructure.
2.	Do not approve the final plats.

Staff Recommendation	
Recommendation	Staff recommends in favor of APPROVAL of the final plats for Massey Phase 2, Map 2 (Revision), Map 3 and Map 4, as submitted, contingent upon the applicant providing a bond or letter of credit equal to 125% of the cost of any unfinished infrastructure.
Name & Title	Diane Dil, Assistant Planner
Department	Planning Department

Date of Request	November 2, 2016
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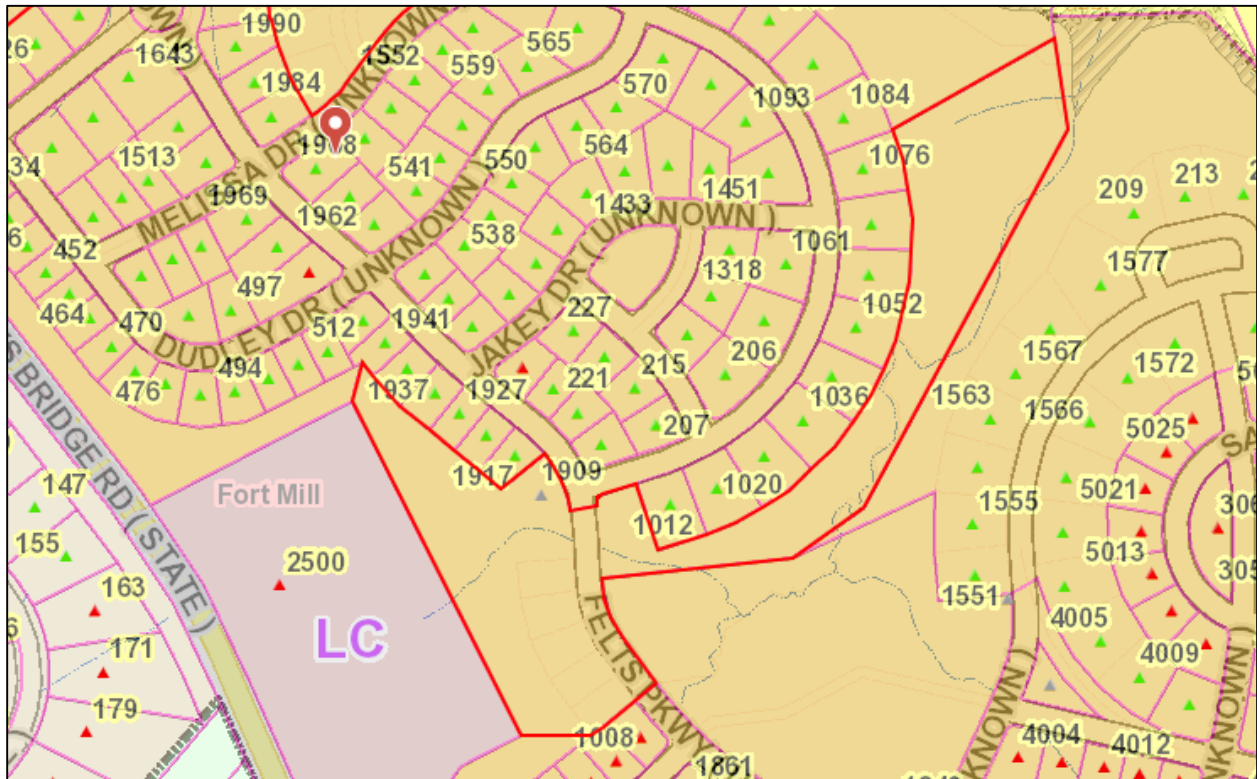
Legislative History	
Planning Commission	11/8/2016: Scheduled for review.
Effective Date	Upon approval, contingent upon receipt of the required bonds.

Attachments

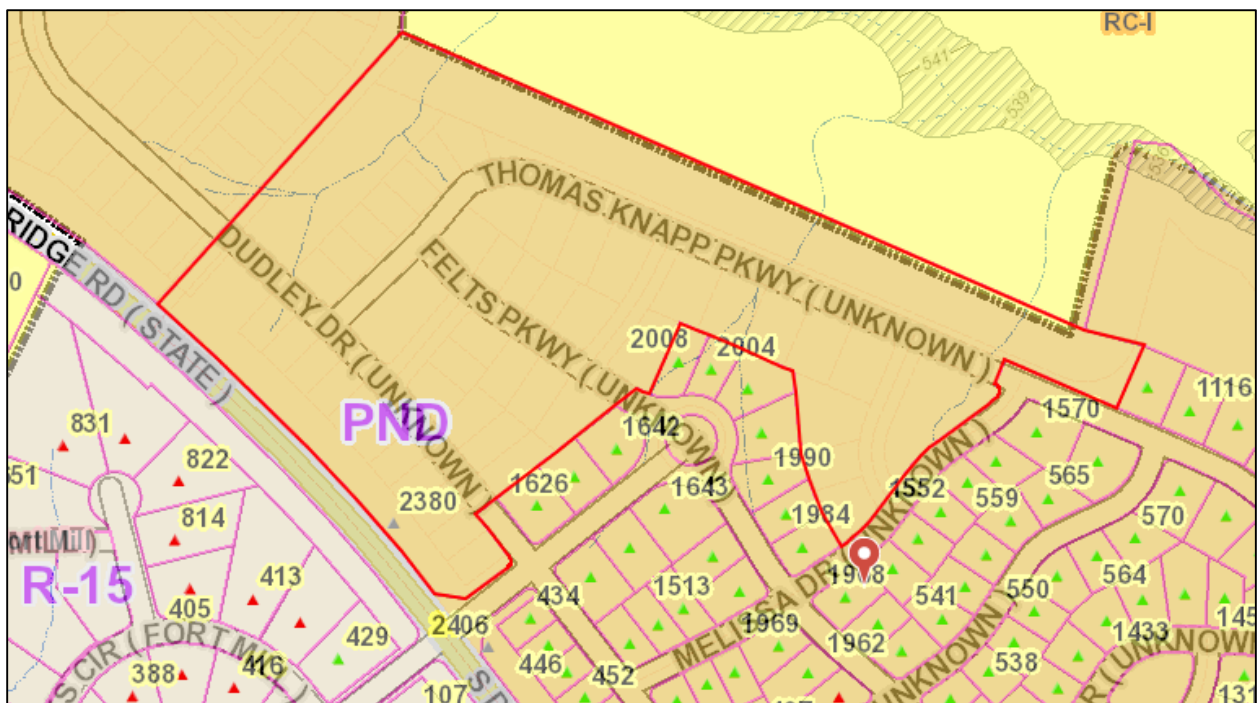
- Zoning Maps
- Aerial Images
- Massey Preliminary Plat (Approved)
- Massey Phase 2, Map 2 (Revision) and Map 3 Final Plat (Proposed)
- Massey Phase 2, Map 4 Final Plat (Proposed)

Zoning Maps

Massey Phase 2, Map 2 (Revision) and Map 3 (Proposed)



Massey Phase 2, Map 4 (Proposed)



Aerial Images

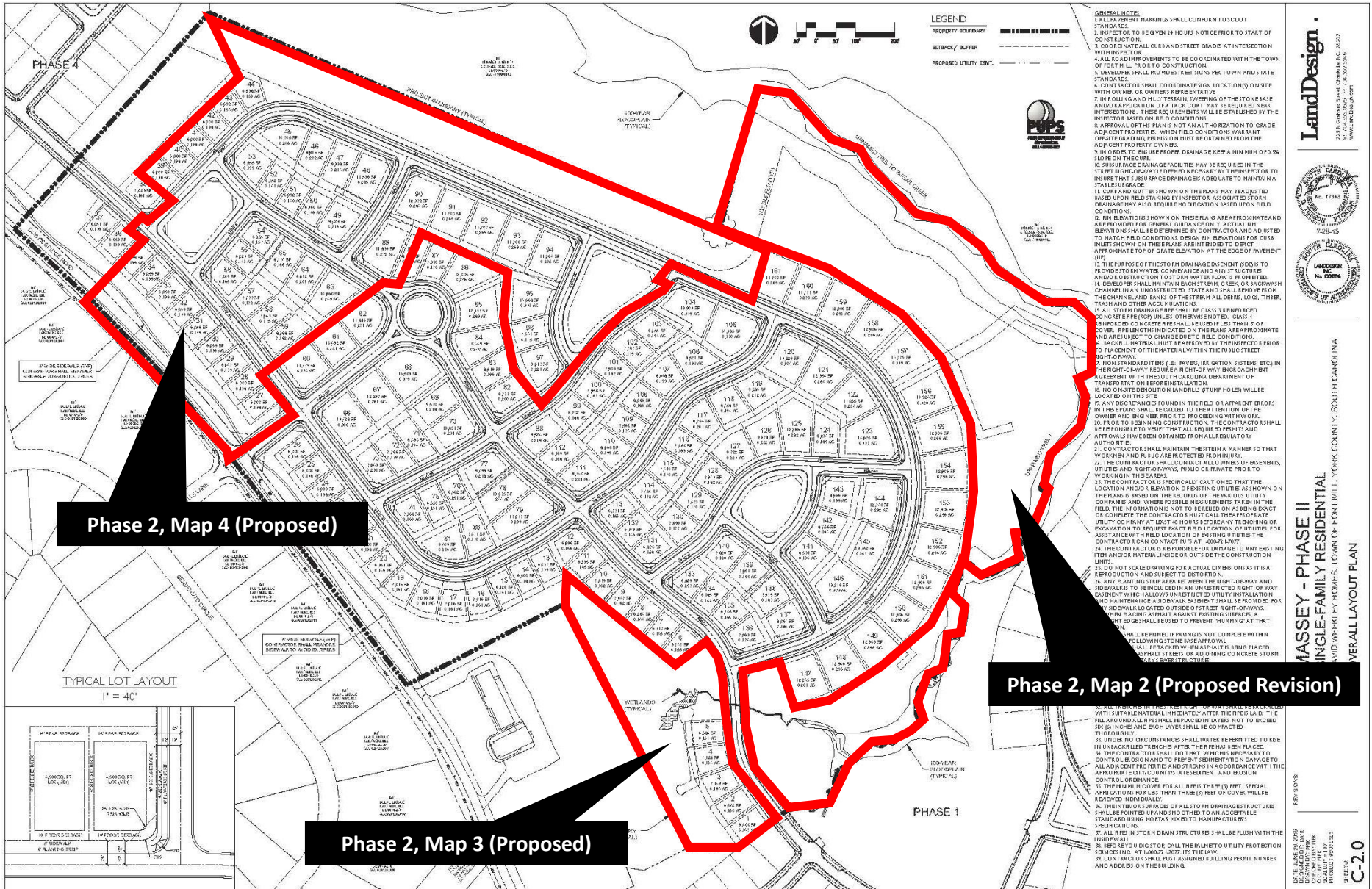
Massey Phase 2, Map 2 (Revision) and Map 3 (Proposed)



Massey Phase 2, Map 4 (Proposed)



Preliminary Plat: Massey Phase 2 (Approved)



Final Plat: Massey Phase 2, Map 2 (Proposed Revision) and Map 3 (Proposed)



Final Plat: Massey Phase 2, Map 4 (Proposed)



Fort Mill Town Council



Meeting Information

Meeting Type	Planning Commission
Meeting Date	November 8, 2016

Request Summary

Request Type	Action (Old Bus.)	X	Action (New Bus.)	Info/Discussion
	Public Hearing		Executive Session	Other

Case Summary

Case Type	Annexation		Rezoning		Text Amendment
	Subdivision Plat		Appearance Review	X	Other

Property Information

Applicant	Vernon Parrish
Property Owner	Fort Mill Reserve LLC
Property Location	Fort Mill Parkway
Tax Map Number	020-13-01-071, 020-13-01-072, and 020-13-01-073
Acreage	52.35 +/- acres
Current Zoning	MXU Mixed Use
Proposed Zoning	MXU Mixed Use with Concept Plan & Development Conditions
Existing Use	Vacant / Wooded

Title

An ordinance adopting a Mixed Use Concept Plan & Development Conditions for the Fort Mill Reserve MXU Project, consisting of parcels currently or formerly known as York County Tax Map Numbers 020-13-01-071, 020-13-01-072, and 020-13-01-073, such parcels containing approximately 52.35 +/- acres located on Fort Mill Parkway

Background Information

Site Characteristics

The property is located on Fort Mill Parkway, adjacent to Banks Trail Middle School (west) and located across Fort Mill Parkway from properties owned by Fort Mill School District (FMHS #3 and a future school site). The property abuts Nims Lake and its surrounding residential properties to the

east and vacant/wooded property to the north. The property contains approximately 2,600 linear feet of road frontage on Fort Mill Parkway. A stream is located on the western edge of the property, between the property and Banks Trail Middle School. The properties to the east with frontage on Fort Mill Parkway were recently approved for up to 75 single-family homes and a potential fire station site (Huff Tract).

Neighboring Uses

Direction	Zoning	Existing Use
North	RC-I	Vacant (County)
South	GI/MXU/ R-10	Vacant (FMHS #3 and a future school site)
East	RUD	Single-Family Residence (County)
West	GR/GI	Banks Trail Middle School

Zoning Summary

The property is currently zoned MXU Mixed Use. The property was annexed in 2008 as MXU Mixed Use, however a concept plan and development conditions were not included as a part of the annexation.

The purpose of the mixed-use development (MXU) district is to encourage flexibility in the development of land in order to promote its most appropriate use; to improve the design, character, and quality of new development; to facilitate the provision of infrastructure, and to preserve the natural and scenic features of open areas. This district is intended for the appropriate integration of a wide range of residential and non-residential uses. The district is intended for use in connection with developments where the town has determined that the quality of a proposed new development will be enhanced by flexibility in the planning process.

As the property is located on Fort Mill Parkway, it is also subject to the requirements of the Corridor Overlay District (COD).

Concept Plan & Development Conditions

As listed in the attached Development Conditions, the applicant is requesting approval to develop:

- A maximum of 120 detached residential units (density not to exceed 3.0 dwelling units per acre), with a minimum of 20% being Age Targeted;
- Common open space, including landscaping, active and passive recreation, pedestrian, golf cart and bicycle paths;
- Between 75,000 and 80,000 square feet of retail, office, or municipal use with specific uses conforming to the permitted uses listed for Neighborhood Mixed Use (NMX) per the Draft UDO VI

Mixed Use section notwithstanding those prohibited within the Corridor Overlay District (density not to exceed 20,000 square feet per acre); and

- A +/- 1.58-acre parcel to be donated to the Town of Fort Mill for use as a passive park or open space.

The Concept Plan, as attached, shows 111 residential lots ranging from 50' to 90' lots (2.55 dwelling units per acre), 43,500 square feet of retail, 27,000 square feet of office, and a +/- 1.0-acre park.

Comprehensive Plan

The property is located within an area that has been designated as "Medium Density Residential" on the Town of Fort Mill's Future Land Use Map, last updated in May 2016. The comprehensive plan generally defines "medium density" as three to five dwelling units per acre.

The property's easternmost extent nearly reaches the periphery of "Node 8." The Comprehensive Plan recommends the following types of development within Node 8:

"Development in Node 8 will primarily be higher density residential near the center of the node and along the Fort Mill Southern Bypass, with neighborhood commercial near the intersection of Doby's Bridge Road and the Bypass, and medium density residential near the periphery including townhomes and apartments, transitions to single family detached homes to the east and south near the river."



Traffic Impact

Primary access to and from the property will be via Fort Mill Parkway, a two-lane undivided highway with a posted speed limit of 45 MPH. At LOS E, the capacity of Fort Mill Parkway is currently 17,200 trips per day. SCDOT

traffic counts for Fort Mill Parkway (between Brickyard Road and Whites Road) in the year 2015 were 6,700 vehicle trips per day (39.0%).

The applicant has completed a Traffic Impact Study (TIS), a copy of which will be available at the Planning Commission meeting. The TIS notes the following improvements to maintain existing level of service on the Fort Mill Parkway:

- Prior to residential buildout:
 - Construct main driveway off Fort Mill Parkway with one ingress lane and two egress lanes (left, right);
 - Construct an eastbound turn lane on Fort Mill Parkway (200' full width storage and appropriate taper); and,
 - Construct a westbound right turn lane on Fort Mill Parkway (100' full width storage and appropriate taper).
- Prior to commercial buildout:
 - Install a traffic signal at the intersection upon full buildout of the development.

Fire Impact

The property is located approximately 2.7 miles (6 minutes) ordinary driving distance from the town's main fire station on Tom Hall Street. The property is located approximately 1.4 miles (2 minutes) ordinary driving distance from the temporary fire station at 1881 N Dobys Bridge Road.

As part of the Huff Tract development agreement approved by Town Council in October, 2016, a donation of a 1.25-acre site for construction of a permanent fire station on Fort Mill Parkway was included that will provide the potential for a much shorter distance between the proposed Fort Mill Reserve development and a town fire station. The town's draft budget for FY 2016-17 includes \$2 million for construction of a new fire station.

Utility Impact

The subject property will be served by the town's water and sewer system. Earlier this summer, the town awarded a contract for the installation of a new water line on Fort Mill Parkway. The Development Conditions additionally note that any costs to provide water and sewer service infrastructure to, from, and within the property, including upgrades to existing infrastructure as necessary, are to be constructed at the Developer's expense.

School Impact

Based on the proposed development agreement, the applicant would be permitted to construct up to 120 single-family dwelling units on the property. According to the Fort Mill School District's enrollment calculator, the impact of 120 new homes would be as follows:

Type	Enrollment	% of a School
Elementary	37	3.7%
Middle	16	1.6%
High	25	1.0%
TOTAL	78	

The addition of 75,000-80,000 square feet of commercial development will provide an additional non-residential tax base to help offset the capital and operating cost of 78 additional students.

Discussion

As mentioned above, the town's Comprehensive Plan recommends "medium density residential" as the preferred land use in this location, which is defined as 3 to 5 dwelling units per acre. The projects proposed residential density is a maximum of 3 dwelling units per acre, with the proposed Concept Plan showing 2.55 dwelling units per acre.

The inclusion of neighborhood-scale retail/office along the Fort Mill Parkway, while not strictly consistent with the future land use plan, will provide economic opportunities on the corridor. Given the proximity to three school sites, neighborhood scale retail/office uses within walking/biking distance will assist in reducing the traffic impact along the corridor and will enhance the public space as envisioned with the Corridor Overlay District.

In reviewing the proposed development conditions, staff would recommend in favor of approval of the Concept Plan and Development Conditions with the following modifications:

2(B)(iii): A 20' open space buffer will be maintained along the Southern Edge of the Retail parcels along the Fort Mill Southern Bypass Road. **Staff would recommend requiring a 20' open space buffer/streetscape on both Retail and Office uses along the Fort Mill Parkway.**

4(d): Sidewalks: Will be installed on at least one side of all public streets. At the Developer's option, additional sidewalks may be installed. Where possible, the Developer shall install sidewalk and/or trail connections from the development to the neighboring school property. **Staff would recommend including language to note that pedestrian pathways along the Fort Mill Parkway shall also be installed per the COD/COD-N overlay district requirements.**

15(d)(vi) Minimum lot size: 6,0400. **This should be fixed to note a minimum lot size of 6,040, fixing the issue of a potential typo.**

Alternatives	
1.	Recommend approval of the Concept Plan & Development Conditions.
2.	Recommend approval of the Concept Plan & Development Conditions, with modifications as proposed.
3.	Recommend denial of the Concept Plan & Development Conditions.

Staff Recommendation	
Recommendation	Staff recommends in favor of approval of the Concept Plan & Development Conditions, with modifications as proposed.
Name & Title	Chris Pettit, Assistant Planner
Department	Planning Department
Date of Request	October 21, 2016

Legislative History	
Planning Commission	11/08/2016: Scheduled for review.
First Reading	11/14/2016: Scheduled for first reading. (Tentative)
Public Hearing	Pending
Second Reading	Pending
Effective Date	Pending

Attachments

- Rezoning Application
- Aerial Map
- Zoning Map
- Draft Ordinance Adopting MXU Development Conditions and Concept Plan

TOWN OF FORT MILL
APPLICATION FOR ZONING MAP AMENDMENT

APPLICANT(S):

NAME	ADDRESS	PHONE NUMBER
VERNON PARRISH	C/O CAROLEEN TRADING CO. 4940 BROAD HOLLOW DRIVE CHARLOTTE, NC 28226	(704) 365-0166

Area of Subject Property: 52.35 acres and/or _____ square feet

What is the CURRENT zoning for the parcel(s)? MXU

What is the proposed zoning for the parcel(s)? MXU

Does the applicant own all of the property within the zoning proposal? YES

State the proposed change and reason(s) for request: (Attach additional sheets if needed)

As Owner(s) of the property described below, I/we request that our property be rezoned as indicated.

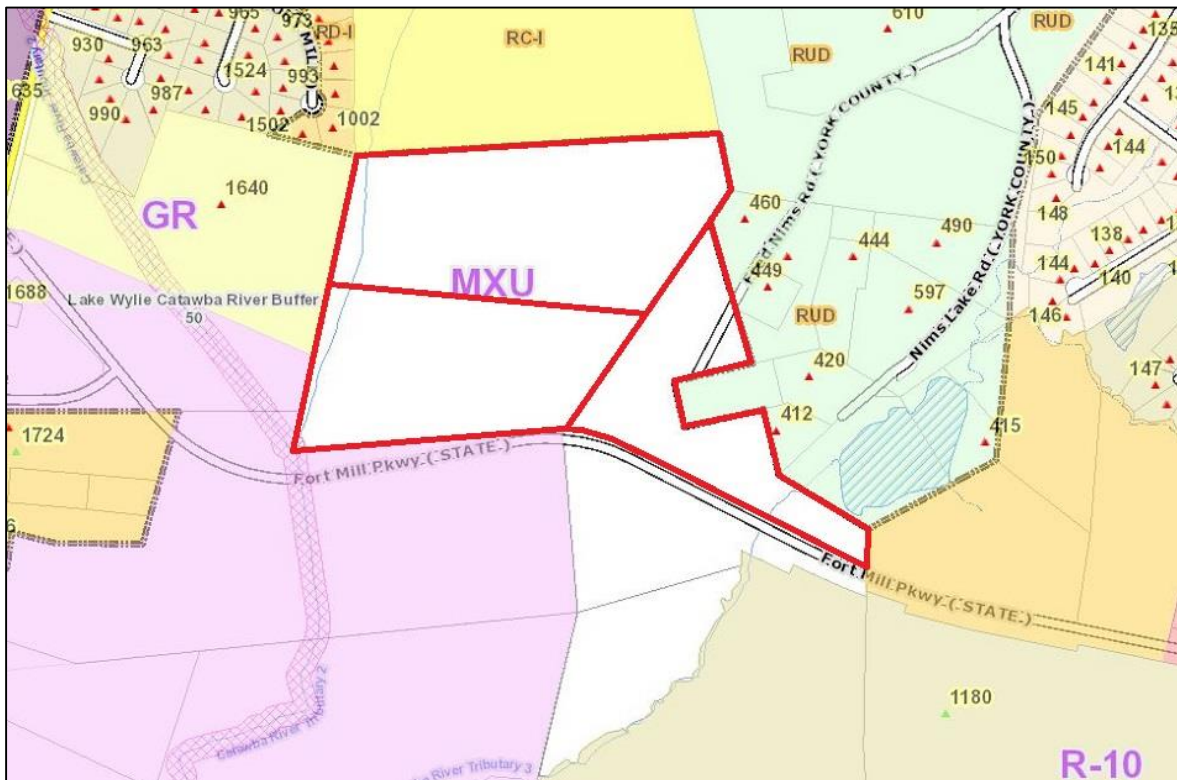
TAX MAP NUMBER	PROPERTY ADDRESS	OWNER	OWNER'S SIGNATURE
0201301073	TRACT #2&4 OFF FRED NIMS ROAD	FORT MILL RESERVE, LLC	Vernon R. Parrish
0201301072	TRACT #3 OFF FRED NIMS ROAD	FORT MILL RESERVE, LLC	Vernon R. Parrish
0201301071	TRACT #2 OFF FRED NIMS ROAD	FORT MILL RESERVE, LLC	Vernon R. Parrish

Please return application and fee to: Town of Fort Mill, PO Box 159, Fort Mill, SC 29716

Aerial Map



Zoning Map



STATE OF SOUTH CAROLINA
TOWN COUNCIL FOR THE TOWN OF FORT MILL
ORDINANCE NO. 2016-__

AN ORDINANCE ADOPTING A MIXED USE CONCEPT PLAN & DEVELOPMENT CONDITIONS FOR THE
FORT MILL RESERVE MXU PROJECT

WHEREAS, the parcels currently or formerly known York County Tax Map Numbers 020-13-01-071, 020-13-01-072, and 020-13-01-073, containing approximately 52.35 +/- acres located on Fort Mill Parkway, were annexed to and made a part of the Town of Fort Mill by ordinance adopted on December 8, 2008; and

WHEREAS, by ordinance of the Fort Mill Town Council, the above referenced parcels were zoned as follows: MXU Mixed Use; and

WHEREAS, Article II, Section 19(5)(D)(1)(a), of the Zoning Ordinance for the Town of Fort Mill, requires as part of the approval process that a Mixed Use Development Project shall contain a concept plan and, if applicable, development conditions; and

WHEREAS, the applicant has submitted Development Conditions as shown within the attached "Exhibit A," and a Concept Plan as shown within the attached "Exhibit B," both of which have been reviewed by the Fort Mill Planning Commission and the Fort Mill Town Council and found to be consistent with the Town's Comprehensive Plan;

NOW, THEREFORE, pursuant to the authority granted by the Constitution of the State of South Carolina and the General Assembly of the State of South Carolina, BE IT ORDAINED BY THE TOWN COUNCIL FOR THE TOWN OF FORT MILL:

Section I. Pursuant to Article II, Section 19(5)(D)(3), of the Zoning Ordinance for the Town of Fort Mill, the Development Conditions for the Fort Mill Reserve MXU project are hereby adopted as shown within the attached "Exhibit A." Where any conflicts exist between the Development Conditions and the Subdivision Ordinance or Zoning Ordinance for the Town of Fort Mill, the provisions specified within the Development Conditions shall apply. A copy of these development conditions shall be maintained on file in the office of the Town Clerk and the Zoning Administrator.

Section II. Pursuant to Article II, Section 19(5)(D)(4), of the Zoning Ordinance for the Town of Fort Mill, the Concept Plan for the Fort Mill Reserve MXU project is hereby adopted as shown within the attached "Exhibit B." A copy of this Concept Plan shall be maintained on file in the office of the Town Clerk and the Zoning Administrator.

Section III. The provisions of this ordinance shall apply to the parcels currently or formerly known as York County Tax Map Numbers 020-13-01-071, 020-13-01-072, and 020-13-01-073, containing approximately 52.35 +/- acres located on Fort Mill Parkway.

Section IV. If any section, subsection, or clause of this Ordinance shall be deemed to be unconstitutional, or otherwise invalid, the validity of the remaining sections, subsections, and clauses shall not be affected thereby.

Section V. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

Section VI. Effective Date. This ordinance shall be effective from and after the date of adoption.

SIGNED AND SEALED this ____ day of _____, 2016, having been duly adopted by the Town Council for the Town of Fort Mill on the ____ day of _____, 2016.

First Reading: November 14, 2016

Public Hearing:

Second Reading:

TOWN OF FORT MILL

Gwynn H. Savage, Mayor

LEGAL REVIEW

ATTEST

Barron B. Mack, Jr, Town Attorney

Virginia Burgess, Town Clerk

Exhibit A

**DEVELOPMENT STANDARDS & CONDITIONS
CRLDC, LLC, Fort Mill Reserve MXU Project**

DEVELOPMENT STANDARDS & CONDITIONS
CRLDC, LLC, Fort Mill Reserve MXU Project

Project Development Standards

1. Purpose of district

The purpose of the mixed-use development (MXU) district is to encourage flexibility in the development of land in order to promote its most appropriate use; to improve the design, character, and quality of new development; to facilitate the provision of infrastructure, and to preserve the natural and scenic features of open areas. This district is intended for the appropriate integration of a wide range of residential and non-residential uses. The district is intended for use in connection with developments where the town has determined that the quality of a proposed new development will be enhanced by flexibility in the planning process.

2. Platting Requirements

Platting requirements will be in accordance with Article II-PLAT REQUIREMENTS, of Chapter 32-SUBDIVISIONS, of the Town of Fort Mill Municipal Ordinance. Where possible, plats will comply with Article II, Section 19.3(C) of the Zoning Ordinance.

3. Bonding Requirements

Bonding requirements will be in accordance with Section 32.104-SURETY BOND, Article IV-REQUIRED IMPROVEMENTS, of Chapter 32, of the Town of Fort Mill Municipal Ordinance.

Fort Mill Reserve MXU Conditional Notes

1. General Provisions

Each proposal for the development under MXU district is anticipated to be unique. Except as provided by this section, an MXU district shall be subject to all of the applicable standards, procedures and regulations in other sections of the zoning ordinance.

The development depicted on the Mixed Use Development Concept Plan is intended to reflect the arrangement of proposed uses on the site, but the final configuration, placement and the size of individual site elements may be altered or modified within the limits of the Ordinance and the standards established on the Development Standards Sheet during design development and construction phases. Street alignment and lot layout width and depth dimensions may be modified to accommodate final building layout and lot locations. The Petitioner reserves the right to modify the total number of lots identified within individual parcels or phases, reallocate units from a parcel or phase to another, or reconfigure lots and

street layouts, provided the total number of lots for the entire residential development does not exceed the maximum total number permitted.

These standards, as established by the Technical Sheet, as set out below and as depicted on the Mixed Use Development Concept Plan shall be followed in connection with development taking place on the site. Standards established by the Fort Mill Reserve Development Standards Sheet and the Fort Mill Reserve Mixed Use Development Concept Plan shall supersede the Fort Mill Subdivision Ordinance and Zoning Ordinance in effect at the date of approval.

2. Permitted Uses

A) Residential

- i) Subject to the requirements set out below, a maximum of 120 residential detached units may be constructed on the site.
- ii) A maximum of 120 units of for sale detached units with a minimum of 20% of these units being Age Targeted home designs shall be allowed in the development along the Fort Mill Southern Bypass having minimum dimensional standards as specified in section 15, along with any incidental or accessory uses in connection therewith, which are permitted by right or under prescribed conditions in the Mixed Use Zoning District or as part of the Fort Mill Reserve MXU Development.
- iii) Common Open Space: May include landscaping, active and passive Recreation, pedestrian, golf cart paths and bicycle paths.

B) Retail, Office or Municipal Use

- i) Subject to the requirement set out below, between 75,000 and 80,000 square feet of retail, office or Municipal Use may be constructed on the site. Any use shall conform to the Draft UDO VI Mixed Use District section for the Neighborhood Mixed Use District (NMX). All uses as notwithstanding the provisions of the underlying zoning district shall be prohibited within the Corridor Overlay District in accordance with Article II, Section 24.3(B) of the Zoning Ordinance.
- ii) A +/-1.58 acre parcel at the Eastern edge of the project will be donated to the Town of Fort Mill for their use as a passive park or open space.
- iii) A 20' open space buffer will be maintained along the Southern Edge of the Retail parcels along the Fort Mill Southern Bypass Road.

3. Density

The maximum Gross Residential Unit density will not exceed 3.0 units per acre, and 120 total units for the entire project. Individual phases may have higher or lower densities, but the overall project may not exceed 3 units per acre. Open space areas shall be included in the calculations for gross residential density.

The maximum Retail/Office density will not exceed more than 20,000 square feet per acre, and 80,000 total square feet for the entire project.

4. Streets

Minimum dimensions and design standards for each street type shall follow a consistent standard. The standards for each street shall follow one of the following:

- a) Public Residential Street: In accordance with the Town standards outlined in the Fort Mill Subdivision Ordinance.
- b) All Residential Streets: Shall be designed to provide a stop condition no more than 1,000 feet apart. This will be accomplished by "T" intersections where practical. Where this is not practical due to site constraints, posted stop signs at intersection (s) within the 1,000- foot street length will be installed.
- c) Use Development will provide landscaped island where feasible. Landscaped islands are subject to approval of the Town of Fort Mill Fire department.
- d) Sidewalks: Will be installed on at least one side of all public streets. At the Developer's option, additional sidewalks may be installed. Where possible, the Developer shall install sidewalk and/or trail connections from the development to the neighboring school property.
- e) Block Lengths: Block lengths shall be a maximum of 1,000 feet.

5. Vehicular Access and Road Improvements

- a) Vehicular access: Access shall be provided to Fort Mill Southern Bypass in the general location as shown on the Mixed Use Development Concept Plan. Minor adjustments to the locations of street and driveway entrances may occur, as required to meet state and local agency standards, or as a result of further site investigation and coordinate with final subdivision and site plan design.
- b) Coordination: The developer shall coordinate where feasible with neighboring property owners regarding stub road locations and future roadway connections.

6. Landscaping

Landscaping will be provided in accordance with Article II, Section 19.4(J) of the Zoning Ordinance.

7. Open Space

Common open space will be provided, to be platted and recorded separately from other uses. Open space (excluding donated park parcel) will be owned and maintained by a Homeowner's Association or Property Owners Association. A minimum of 20% of the total development area shall be open space. Wet ponds may be counted towards the Open Space requirement if the ponds amenitized with walking trails and benches.

8. Parking and Loading

Parking, loading, and other requirements for each permitted use and platted lot will be in accordance with the requirements of Article I, Section 7, Subsection I for the Fort Mill Zoning Ordinance.

9. Access to Lots

Access (curb cuts) to each platted lot must comply with standards set forth in the Fort Mill Zoning and Subdivision Ordinances.

10. Signage

A proposed project signage package shall be provided for approval by the town. All signs shall meet the requirements of Article II, Section 19.4(1), Subsections 1, and 2 of the Zoning Ordinance. Approval to not be unreasonably withheld.

11. Building Heights

Proposed building heights will not exceed 60 feet. Building height shall be measured in accordance with Article II, Section 19.4(D) of the Zoning Ordinance.

12. Improvements

The developer will be responsible for installation of required streets, utilities, common areas, amenity improvements, open space, storm drainage, and buffer yards, which pertain specifically to the project.

13. Changes

- a) Petitioner/Developer understands that upon approval of the Mixed Use Development by the Town Council, any changes that are proposed which are considered to be of a minor nature such as adjustments or relocation of streets, lots, and open space; or adjustments to interior parcel boundaries, parcel sizes, or lot sizes and quantities, may be approved by the Fort Mill staff through an administrative review process. Other minor changes may be made to the list of permitted uses, unit mixture, reallocation of unit types, relocation of uses, buffer yards, landscaping and open space standards throughout the project, shall be subject to review and approval through an administrative process by the Fort Mill staff.
- b) Significant changes to the Mixed Use Development Concept Plan which include changes increasing overall project dwelling unit count, land use summary, location of primary access points to the property and adding acreage are all considered to be major site plan changes and are subject to approval by the Town Council in accordance with Chapter 32 of the Fort Mill Municipal Ordinance.

14. Construction Schedule and Phasing

This development will be constructed in phases. Proposed phasing will be determined and approved during the Preliminary Plat process.

15. Development Standards

- a) Maximum Residential Density: 3.0 dwelling units per acre, not to exceed 120 total units for the entire project
- b) Maximum Retail/Office Density: 20,000 square feet per acre, and 80,000 square feet for the entire project
- c) Impervious Surface Ratio: 85% for all uses
- d) Residential Development
 - i. Minimum front building setbacks (from street r/w): 20 feet
 - ii. Minimum side yard: 5 feet
 - iii. Minimum side yard at corner lots (from street r/w): 10 feet
 - iv. Minimum rear yard: 20 feet
 - v. Minimum street frontage: 50 feet
 - vi. Minimum lot size: 6,0400
- e) Office/Retail Development
 - i. Minimum front building setbacks (from street r/w): 30 feet
 - ii. Minimum side yard: 5 feet
 - iii. Minimum side yard at corner lots (from street r/w): 10 feet

- iv. Minimum rear yard: 20 feet
 - v. Minimum street frontage: 80 feet
 - vi. Minimum lot size: 20,000
- f) Buffer Yards: Perimeter Buffer yards between the Fort Mill Reserve Mixed Use Development and adjacent properties will be in accordance with Article II, Section 19.4(K) of the Zoning Ordinance. The buffer shall be a natural, undisturbed wooded area where possible, and shall count towards the provision of open space for the development where the buffer is not platted and made part of an individual, privately owned lot. Where an existing natural, undisturbed wooded area does not exist, a planted buffer shall be required in conformance with the buffer standards of Article II, Section 19.4(K) of the Zoning Ordinance. Natural buffers shall be supplemented with additional landscaped material, where necessary, to provide an adequate screening effect.
- g) Petitioner reserves the right to construct a minimum 6-foot high opaque fence, wall, berm, or combination thereof in order to satisfy buffer and/or screening requirements. In the event that the petitioner or their assignee decides to install a fence, wall, or berm, they may reduce buffer area dimensions by 25%. If a fence is used to reduce the buffer requirement, then the fence shall be landscaped to enhance its aesthetic appeal. Buffer Yards will be designed in a manner to allow openings of an appropriate width in order to allow pedestrian connectivity. Utilities and right of ways are allowed to be located in buffer areas and landscaped corridors where needed, provided the screening effect of the buffer area and landscape corridor is not diminished.

16. Lot Transfer and Recording

Lots may be transferred or recorded by means of posting appropriate surety bonds as referenced in Sec. 32.104.

17. Water and Sewer

The Developer understands that water and sewer will be provided by the Town of Fort Mill for all lots within the Mixed Use Development. The Developer shall construct or cause to be constructed at Developer's cost all necessary water and sewer service infrastructure to, from, and within the Property. The developer will comply with all DHEC and the Town of Fort Mill water and sewer specifications. The Property shall be subject to all current and future water connection/capacity fees imposed by the Town, provided such fees are applied consistently and in the same manner to all similarly-situated property within the Town limits. A water and sewer "willingness and capability letter" must be received from the Town of Fort Mill Engineering Department prior to obtaining a grading permit for any portion of the development utilizing the Town of Fort Mill water and sewer. Treatment capacity at the Town's municipal wastewater treatment plant will not be reserved until a sewer system construction permit has been issued for the Project by the South Carolina Department of Health and Environmental Control (SCDHEC). Notwithstanding the provisions referenced above, nothing in these Development Conditions shall preclude the Town and Developer from entering into a

separate Utility Agreement for cost-sharing of sewer transmission systems when such agreement may be of mutual benefit to both parties. In the event that a utility agreement is reached with the petitioner and the Town of Fort Mill, that agreement shall be implemented into the project design based on the requirements and specifications outlined in the agreement.

18. Applicable Ordinances

This development will be subject to the standards and requirements for the Fort Mill Subdivision Ordinance and Zoning Ordinance in effect at the date of approval by the Town of Fort Mill or as superseded by the provisions of the Fort Mill Reserve Mixed Use Development Concept Plan and Technical Data Sheet, as approved by the Town of Fort Mill.

19. Ten Year Vested Right

Due to the size of the proposed development and the level of Owner's investment, the Owner requests and has been granted a ten (10) year vested right for construction of this project. The ten year vesting period shall commence upon final approval of these development conditions.

20. Binding Effect of the Development Conditions Document

If these Development Conditions Document is approved, all conditions applicable to development of the site imposed under the Concept Plan and Development Standards Sheet will, unless amended in the manner provided under the Ordinance, be binding upon and inure to the benefit of the Owner and subsequent owners of the site and their respective successors in interest and assigns.

21. Restrictive Covenants Restrictive

Covenants will be created and recorded with the office of the county clerk of court prior to the approval of a plat or issuance of a building permit for a vertical building on the property. Covenants shall be in accordance with Article II, Section 19.3(D) of the Fort Mill Zoning Ordinance.

22. Municipal Tax District (MID) Option

The owner reserves the right to have the ability to pursue a Municipal Tax District (MID) for the Fort Mill Reserve MXU project, with the cooperation of the Town of Fort Mill; for the use of on and off site infrastructure improvements. MID District shall be in accordance with state and local government requirements.

23. Town Impact Fees

The Property shall be subject to all current and future development impact fees imposed by the Town, provided such fees are applied consistently and in the same manner to all similarly-situated property within the Town limits. For the purpose of this Agreement, the term “development impact fees” shall include, but not be limited to, the meaning ascribed to such term in the South Carolina Development Impact Fee Act, Sections 6-1-910, et seq, of the SC Code of Laws.

24. School Impact Fees

All residential units within the Property shall be subject to all current and future school impact fees imposed by the Fort Mill School District.

25. Stream Buffers

All streams and waterways on the Fort Mill Reserve MXU Project drain are tributaries of the Catawba River. Stream buffers shall be provided on each side of all streams and waterways as directed by the South Carolina Department of Health and Environmental Control (SC DHEC).

26. Corridor Overlay District (COD/COD-N)

- (a) Portions of the Fort Mill Reserve MXU project are located within the Corridor Overlay District. As such, development on the site shall be subject to the requirements of Article II, Section 24 (COD/COD-N Corridor Overlay District Standards). In the event that the requirements of the overlay district are stricter than those in the underlying zoning district or the proposed development conditions established within these Development Conditions, then the provisions of the overlay district shall apply. The provisions of the “COD-N” overlay shall apply to all portions of the property which fall within the Corridor Overlay District, including areas which may be located outside a “Node,” as defined in the Town’s Comprehensive Plan.
- (b) The owner shall reduce the required landscape buffer at the right of way to 0 feet where retail and office are proposed within the development. The owner shall maintain and/or provide a 50 foot landscaped buffer in accordance with requirements of the Corridor Overlay District where residential is proposed adjacent to the right of way.

27. Architectural Requirements & Building Materials

Primary exterior building materials for the proposed structures that are to be constructed on site shall include a combination of the following materials: brick, stone, fiber cement siding, and other high quality materials. As part of the Corridor Overlay District, building elevations for commercial and multi-family structures will be subject to appearance review before the Planning Commission.

Exhibit B

**Concept Plan
Fort Mill Reserve MXU Project**

Development Data	
Total Site:	+/- 52.35 acres
PID:	0201301073
DB:	2812 PG 191
Acreage:	11.42 ac.
Owner:	Fort Mill Reserve LLC
PID:	0201301072
DB:	2812 PG 191
Acreage:	19.93 ac.
Owner:	Fort Mill Reserve LLC
PID:	0201301071
DB:	2812 PG 191
Acreage:	21.00 ac.
Owner:	Fort Mill Reserve LLC
Existing Zoning:	MXU
Total Units:	101
50' Lots:	26 (26%)
60' Lots:	48 (48%)
90' Lots:	27 (27%)
DUA:	2.29
Total Retail:	4.34 AC
Total Office:	2.24 AC
Park Site:	1.84 AC
Residual Residential:	44.19 AC



Fort Mill Reserve
 Fort Mill, SC
 Concept Plan 10.14.2016 | LDI#1016323